

Board of Selectmen
January 07, 2013

PRESENT: Rick Griffin, Chairman
Richard Nichols, Vice Chairman
Michael Pierce, Selectmen
Ben Moore, Selectmen
Philip Bean, Selectmen
Frederick Welch, Town Manager
Mark Gearreald, Town Attorney

7:00 PM Public Meeting

SALUTE TO THE FLAG

I. Public Comment Period

Art Gopalan, 20 Windmill Lane, made comments on the recent spending by the Cable Committee and warrant articles regarding this channel. He also commented on the second Government only channel and lack of public/education channel.

II. Announcements and Community Calendar

Mr. Pierce reminded everyone that warrant articles are due tomorrow.

Mr. Moore announced the filing period for candidates starts on January 23rd and runs through February 1st. The Deliberative Session is February the 2nd.

III. Appointments

1. Chief Jamie Sullivan
 - a. Departmental Update

Chief Sullivan and Deputy Chief Sawyer were present to give the BOS a summary of the Police Department for 2012. Chief Sullivan discussed the following items in detail for the Board: personnel topics, overall activities compared from 2012 to 2011, incident in April in Greenland, May drug case that took place in Hampton, burglaries, fine examples of jobs his officers have done, calls for service and incidents that took place on State property.

Discussion

The following members of the Board asked questions and made comments which were addressed by either Chief Sullivan or Deputy Chief Sawyer.

Mr. Moore thanked them for 2012 and wished them the best in 2013. He also congratulated Deputy Chief Sawyer on his recent graduation from the FBI Academy.

Mr. Pierce asked questions about and made comments as follows: welcomed Deputy Chief Sawyer back and glad to hear about the increased number of specials attending the upcoming part-time academy.

Mr. Bean thanked them for coming, the great report and wished them a great year to come.

Mr. Nichols asked questions and made comments as follows: asked if they have anything to attribute to the increase in part-time candidates and wonders about the feedback on the new cruiser.

Chairman Griffin thanked them for their report and asked about what type of feel they are getting from the beach this winter.

Chief Sullivan commented on the Route 1 intersection and he is not in favor of changing the slip lane to one direction without having some sort of engineering study done first.

2. Keith Noyes, Director DPW

a. Trash Pick-up on Private Roads Discussion

Mr. Noyes was not present Chris Jacobs was there in his place. Mr. Jacobs provided a list of where they are currently picking up on private property.

Discussion

The following members of the Board asked questions and made comments which were addressed by Mr. Jacobs and Mr. Welch.

Mr. Pierce asked questions and made comments as follows: questioned if there was an ordinance in regards to picking up on private property, liability issue if we go on private property, should not be going on private property unless there is an overriding arrangement, might be some exceptions and if go on private property need to have an agreement that we are not liable.

Mr. Moore asked questions and made comments as follows: list does not include the many private roads that we pick up on, not sure why or how we should continue to go on private property to pick up commercial trash and why businesses cannot bring trash to the curb.

Mr. Jacobs went into further detail on some of the areas on the list.

Mr. Welch addressed the questioned raised by Mr. Moore in regards to some of the private roads that are not on the list.

Mr. Bean complimented them on the great job they are all doing.

Mr. Nichols made comments and asked questions as follows: mentioned how this topic came up in relation to a discussion with Mr. Noyes in regards to changing the frequency of trash pick-up at the beach, the comment made by Chairman Griffin on the number of places that they pick-up trash on private property at the beach, does not believe that we should be going on private property, not talking about any of the streets such as Taylor River, but he is talking about going onto property such as businesses and should not be adding anyone to the list.

Chairman Griffin made comments and asked questions as follows: explained that he takes the position that he is not in favor of making any changes to the way that trash is being picked up, does agree with Mr. Nichols that in the future anyone new would have to bring

their stuff to the curb, cannot take things away from people who are used to having it done and continue with what we are doing now.

Mr. Pierce asked if there needs to be an agreement with the owners of the private property if we decide to continue to go onto their property. Mr. Welch addressed the concerns raised by Mr. Pierce. There was also a discussion in regards to plan documents when some of these associations were built.

Mr. Pierce also commented that we need to fix what we are doing now and moving forward.

Mr. Nichols is not in favor of changing what is done with the trailer parks but does have some issues with some of the commercial areas we are picking up.

Mr. Welch thinks that maybe one solution is that someone goes out and rides around with one of these crews. Mr. Welch would be happy to do this. The Board agreed to continue this discussion at a future meeting.

b. Recommendation to award contract for Church Street Station

Mr. Jacobs discussed the following items: concerns raised about funding from SRF or using the bond bank, the miscellaneous costs involved, reviewed the other low bidders and would like to award the bid to the lowest bidder - Penta Corporation.

Discussion

The following members of the Board asked questions and made comments as follows which were addressed by Mr. Jacobs.

Mr. Nichols asked questions and made comments as follows: clarification questions on the numbers, comparisons done by Mr. Schwotzer in regards to funding opportunities, interest rates in regards to the SRF compared to bond bank and commented that it is clear to him that they should go with the SRF loan.

Mr. Moore questioned if they are ready to have the Board act on awarding this bid tonight.

Mr. Moore questioned if they are ready to have the Board act on awarding this bid tonight. DES has given written notice to act on awarding this contract.

Mr. Moore MOTIONED to APPROVE the award of the contract for Church Street Station to Penta Corporation in the amount of 2,645,550. Mr. Pierce SECOND

Mr. Moore withdrew his motion as there was a question in regards to the cost amount for the contract.

3. Peter Tilton

a. Cart Stabilization

Mr. Tilton discussed the following with the Board: stability of new carts in windy conditions, need to come up with some solutions, discussion he had with both Mr. Welch and Mr. Jacobs, suggestions he made to keep lids down, possibility of using bungee cords or Velcro and would like to see someone with a little more experience put some thought into this. He also went through some suggestions that were made such as do not put your trash out if the weather is not good, bring your trash to the Transfer Station and he does not think these are good solutions.

Discussion

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Mr. Jacobs made comments as follows: things he discovered when he went out during the last storm that Mr. Tilton was referring to, carts were blowing and floating in water, problems with wind and water, how this happened earlier last year and in high water events and wind may need to adopt the policy in place when there is a snow storm to cover these types of weather events.

Chairman Griffin shared some stories of what he also saw during this particular storm, problem with people who fill the carts over capacity and what can be done about this.

Mr. Moore made comments as follows: thinks drilling through containers can cause future problems, issue with Velcro and how can we get the word out if trash is not going to be picked up due to high winds.

Mr. Pierce made comments as follows: already spent so much on carts so does not make sense to look at a new type of cart and maybe a good solution is to not pick up on high winds or high tide.

Mr. Bean made comments as follows: thanked Mr. Tilton for coming in, shared an experience he had in another city today and the amount of trash he saw in the streets and he thinks the DPW workers, recycling committee and management have done a great job with this.

Mr. Nichols made comments as follows: commented on the sturdiness of the new carts, too many windy days to not pick up trash and possibility of loading carts with heavy items first.

There was a discussion on whether or not adding a cement block to the bottom of the cart is a good idea or not.

Chairman Griffin made comments as follows: the barrels look so much nicer on the beach, understands the problems with the Marsh and thanked Mr. Tilton for coming in tonight.

IV. Approval of Minutes

1. December 17, 2017

Correct page number sequence.

Mr. Moore MOTIONED to APPROVE the Minutes of December 17, 2012 as amended. Mr. Pierce SECONDED.

VOTE: 5-0-0

2. December 27, 2012

Page 3. 5th paragraph, change 50k to 15k.

Page 6. 3rd sentence, first paragraph, insert after the word “spilt” “; 25/75, and 25% going to Cable TV;”

Mr. Nichols MOTIONED to APPROVE the Minutes of December 27, 2012. Mr. Moore SECONDED.

VOTE: 5-0-0

V. Town Manager’s Report

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1. The Town has been notified by the Director of Ports and Harbors that dredging on the Hampton side of the harbor will begin in about a week. Spoils materials will be placed upon the State Beach in accordance with the issued State and Federal permits.
2. The DES has granted preliminary approval of the contract to reconstruct the Church Street Station. We expect to receive final approval within the week.
3. The Budget Committee will hold the Annual Budget Hearing for the Town School 2013 Budgets on Thursday, January 10, 2013 at the Hampton Academy at 7PM
4. The DES has notified the Town that the bids and contracts for the upgrade of the Wastewater Treatment Plant dewatering project has been approved and the process of construction can commence in the normal order and procedure.
5. The Fire Stations construction is on schedule. Foundations are nearing completion and the Chief expects backfilling of the Winnacunnet Road foundation by the end of next week. Installation of pilings is 60 % complete at the Beach Substation.

Additional items added to the TM report

Mr. Welch made the following additional comments: message from Town Clerk asking if Selectmen have made any food service plans for the Deliberative, this is something that is usually done by the Moderator, received correspondence in regards to the SAG grants and funds available to Hampton and bid results to remove asbestos from Court House. He went through the asbestos removal bids for the Court House for the Board and explained why the low bidder was thrown out.

Discussion

The following members of the Board asked questions and made comments which were addressed by Mr. Welch.

Chairman Griffin asked questions and made comments as follows: sand that has been taken out of the Harbor, asked about a group of residents that he heard has come forward who do not want the sand disposed in the way it is happening, additional discussion on dredging with Mr. Welch and thinks Mr. Welch's background with Seabrook helps with issues such as this.

Mr. Welch presented the resolution that supports all legislation which will be filed in the 2013 legislative session and which will authorize fully restored funding to the State Aid Grant Program's eligible deferred projects. Mr. Pierce wonders if this resolution is really going to mean anything.

Mr. Nichols MOTIONED to approve the resolution and sign it tonight. Mr. Bean SECONDED.

VOTE: 5-0-0

Mr. Moore confirmed that the bids he is obtaining for the Old Court House is only for informational purposes at this point.

VI. 2013 Warrant Articles

Atty. Gearreald provided the following information for the Board: final versions put out to the Board and DRA input on a lot of the articles.

Discussion on personal wireless service ordinance

Atty. Gearreald discussed the following: Selectmen sponsored article for personal wireless service ordinance which he discussed in detail for the Board and the Planning Board feels that this Board should table the warrant article in regards to personal wireless service ordinance for a year.

Chairman Griffin explained that at this time the Planning Board was not willing to support this article feeling that they needed more time to do work on this. The Planning Board felt that they should have been more involved.

Mr. Nichols made comments and asked questions as follows: did the Planning Board feel this way because of the timing, cost spent on all this and he would table it for the time being.

Mr. Nichols MOTIONED to table the warrant article for personal wireless service ordinance. Mr. Pierce SECONDED.

VOTE: 5-0-0

Discussion on the Articles 16, 17, and 18 Cable TV Local Origination Fund

Atty. Gearreald discussed the following: ran Board questions by outside counsel in regards to this article because of contract negotiations, opinion of DRA, instead of 2 articles there will be 3, discussed the current revolving fund voted on, appropriation article set at \$100,000 for a limit, 2006 Town meeting discussion on special revenue funds being slush funds and that is why they started the revolving funds which were all approved by DRA, if article does not succeed then the special revenue fund will stay in place and impact of the new contract.

Mr. Moore asked questions and made comments as follows: so we have 3 articles and went through the reasons why there are 3.

Mr. Nichols asked questions and made comments as follows: length of article 16 since the first paragraph essentially states what the article is doing, questioned what some of the language is referring to, language does not prevent the use of the money for public access, education or governmental use, article 18 needed only if article 16 fails, 2/3rds vote required to change the purpose, purposes to expend funds different between articles 16 and 18 and confirmed that if article 17 and 18 pass funds can be expended on governmental, education and public purposes.

There was an additional discussion on the contract in regards to public, education and governmental use as separate channels.

Mr. Pierce made comments and asked questions as follows: does not understand the need to go from 1 article to 3 articles, motivation to go to revolving fund, what happens if all 3 articles fail and thinks this coming out of the blue at the last minute does not look good in his opinion. Atty. Gearreald explained the timing for Mr. Pierce.

Mr. Moore for clarification purposes to comments made by Mr. Pierce if article 18 does not pass and the contract is signed with Comcast then taxes would have to increase by \$225,000. Mr. Nichols questioned the 25% in article 17 so there would not be a 100% increase as stated by Mr. Moore.

Discussion on the Article 7 – Road Improvement Capital Reserve Fund

Atty. Gearreald discussed the following: questioned raised by a concerned citizen to split article in two, breakdown on how the money will be spent, recommendation by DRA that the

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article be referred to as a special warrant article and whether Board wants to split article into 2.

Mr. Pierce asked about the version of the article provided to the Board.

1. Tally Vote Question RSA 32:5V-a

Discussion on the tally vote

Atty. Gearreald made comments as follows: read the RSA in regards to tally votes, if not voted to require then Board can do so on its own initiative and so the Board can decide if they would like to have the tally votes included.

Mr. Nichols made comments as follows: is in favor of tally votes, very transparent, done last year and positive thing.

Mr. Pierce made comments as follows: agrees shows transparency, spoke about positive impact by using tally marks from Budget Committee votes and he is all for this.

Mr. Moore made comments as follows: can do on own this year without a Town Meeting vote and if Board decides to use tally marks than Budget Committee votes would also show on ballot.

Chairman Griffin made comments as follows: not in favor, disagrees with comments about transparency, thinks they should stand behind all votes no matter how one votes and sees no advantage to tally votes.

Mr. Nichols MOTIONED to include tally votes on the ballot. Mr. Pierce SECONDED.

VOTE: 3-2(Griffin, Moore)-0

Discussion on order of warrant

Atty. Gearreald pointed out that if the Board approves the 3 articles related to the Cable Fund than the order of the warrant will change from what was presented to the Board previously. The warrant will be numbered differently after article 18.

There was a discussion which articles will include tally votes if it would just be money articles or all articles.

Mr. Pierce MOTIONED to recommend Article 4 Operating Budget. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 5 Tax Impact Statements on Warrant. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to reconsider Article 6 Fire Apparatus Capital Reserve Fund. Motioned failed for lack of second.

Mr. Moore MOTIONED to recommend Article 6 Fire Apparatus Capital Reserve Fund. Mr. Bean SECONDED.

VOTE: 3-2(Pierce, Nichols)-0

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Mr. Pierce MOTIONED to recommend Article 7 Road Improvement Capital Reserve Fund as amended by DRA. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 8 Public Works Capital Equipment. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 9 Wastewater Collection Study. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 10 WWTP Facility Study. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Moore MOTIONED to recommend Article 11 Sewer Drain Building/Vehicle Equipment Wash Down Facility. Mr. Bean SECONDED.

Discussion on motion

Mr. Nichols expressed that he is not opposed to the concept of this facility but instead the impact this article has on the municipal tax rate.

VOTE: 3-2(Pierce, Nichols)-0

Mr. Moore MOTIONED to recommend Article 12 Lafayette/Winnacunnet Intersection Improvements. Mr. Bean SECONDED.

VOTE: 4-1(Pierce)-0

Mr. Pierce MOTIONED to recommend Article 13 Demolition of the Old Court House. Mr. Nichols SECONDED.

Mr. Nichols commented on the amount in the article and the possibility of substituting this amount at the Deliberative. If the amount changes can the Board change their vote to recommend or not and it was confirmed that this can be done.

Chairman Griffin would like to see all the articles go forward for the voters to decide.

VOTE: 4-1(Moore)-0

Mr. Pierce MOTIONED to recommend Article 14 Recreation Special Revenue Fund. Mr. Moore SECONDED.

VOTE: 4-1(Pierce)-0

Mr. Pierce MOTIONED to recommend Article 15 Police Forfeiture Fund. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 16 Rescind Cable Local Origination Special Revenue Fund and Establish a Revolving Fund. Mr. Moore SECONDED.

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Mr. Nichols would like to point out that if any of these 3 articles do not pass this creates some real problems and the money amount is not changing.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 17 Raise \$100,000 for Cable TV Origination Revenue Fund. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 18 Clarify Franchise Agreement Franchise Fees. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 19 Conservation Land Acquisition Fund. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce asked a question in regards to how the article was presented to them.

Mr. Pierce MOTIONED to recommend Article 20 Human Services Article. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 21 Sewer Connection Fees. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 22 Renumbering Town Code. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 23 Street Acceptance. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 24 Acceptance Huckleberry Lane. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 25 Withdrawal from RSA 53B Solid Waste District. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Moore MOTIONED to recommend Article 26 Regulations of Animals Ordinance. Mr. Pierce SECONDED.

VOTE: 5-0-0

Mr. Moore MOTIONED to recommend Article 27 Amend the Taxi Ordinance. Mr. Pierce SECONDED.

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Mr. Nichols asked for Mr. Bean's opinion on this article and he is in favor of it.

VOTE: 5-0-0

Mr. Pierce MOTIONED to recommend Article 28 Pedi-Cab Ordinance. Mr. Moore SECONDED.

VOTE: 5-0-0

Mr. Moore MOTIONED to recommend Article 29 Christmas Parade. Mr. Pierce SECONDED.

VOTE: 5-0-0

VII. Old Business

Mr. Nichols questioned the public hearing scheduled for next Monday and the Assessor's need for more time on this application along with Atty. Gearreald needing more time. Mr. Nichols explained some of the details around this application and why it is a little more complicated. Chairman Griffin does not think that this should be rushed either. Mr. Welch stated that they have until February 23rd to complete the hearings and have until April 8th to render their decision. Mr. Welch suggested that they open the public hearing and then continue the hearing. Mr. Moore is fine with not getting the input from the Atty. and Assessor until a later date. Mr. Pierce suggested that they have the hearing as scheduled next week and then extend the hearing to a future meeting.

Mr. Moore wonders if they are expecting to receive a CIP report. Mr. Nichols will follow up on this he is not sure what the hold-up is.

Mr. Moore also wonders if they would like to provide an update on the Boards 2012 goals.

Mr. Nichols brought up the sidewalks winter maintenance policy and wonders what the status is on this policy.

VIII. New Business

Chairman Griffin asked when they will be picking up Christmas trees and it was confirmed that it would be this week. This needs to be posted on the website.

IX. Consent Agenda

1. Assignment of Lease 3-5 H Street Robert B., & Judith Hurley
2. Raffle Permit "Krempels Center" Susan Chase, Krempels Center

Mr. Pierce MOTIONED to MOVE the Consent Agenda. Mr. Nichols SECONDED.

VOTE: 5-0-0

X. Selectmen's Closing Comments

Mr. Nichols confirmed that the Board will be here tomorrow at 5 just in case any other articles arise.

XI. Adjournment

Mr. Moore MOTIONED to adjourn the public meeting. Mr. Pierce SECONDED.

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VOTE: 5-0-0

Chairman